

Mitchell Lazarus
lazarusm@arentfox.com
Tel: 202/857-6466
Fax: 202/857-6395

August 6, 1996

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AUG 6 1996

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
Room 222
1919 M Street NW
Washington DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

DOCKET FILE COPY ORIGINAL

**Re: Rulemaking to Amend Parts 1, 2, 21, and 25 of the
Commission's Rules to Redesignate the 27.5-29.5 GHz
Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency
Band, to Establish Rules and Policies for Local Multipoint
Distribution Service and for Fixed Satellite Services**

CC Docket No. 92-297

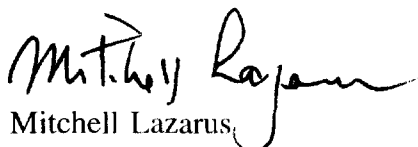
Dear Mr. Caton:

On behalf of Sierra Digital Communications, Inc., I enclose the original and four copies of Request for Extension of Time for filing with the Commission.

Kindly date-stamp and return the enclosed extra copy of this cover letter.

If there are any questions about this filing, please call me directly at the number above.


Respectfully submitted,


Mitchell Lazarus

Enclosure

cc (w/encl): Robert James
FCC Wireless Telecommunications Bureau

Hal Tenney
Sierra Digital Communications, Inc.



ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington DC 20554

In the Matter of)
)
Rulemaking to Amend Parts 1, 2, 21, and 25)
of the Commission's Rules to Redesignate)
the 27.5-29.5 GHz Frequency Band, to)
Reallocate the 29.5-30.0 GHz Frequency Band,)
to Establish Rules and Policies for Local)
Multipoint Distribution Service and for Fixed)
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REQUEST FOR EXTENSION OF TIME

Sierra Digital Communications, Inc. ("Sierra") requests a 30-day extension of time for the filing of Comments and Reply Comments in response to the First Report and Order and Fourth Notice of Proposed Rulemaking ("Notice") in the above-captioned docket. Under the requested schedule, Comments will be due on September 11, 1996, and Reply Comments on September 23, 1996.

Sierra is a leading manufacturer of equipment for the 31 GHz band, which the Commission proposes to reallocate to LMDS.¹ Based on its own experience and that of its customers, Sierra believes that one of the Commission's primary predicates for the reallocation -- that "existing use of the 31 GHz band is relatively light and is concentrated in only a few areas of the country"² -- is factually incorrect, and that implementation of the proposal may threaten or curtail current operations that are in the public interest. In particular, Sierra's data suggests that

¹ Notice at ¶¶ 95-137.

² Notice at ¶ 99.

the Commission's 31 GHz licensing database is deficient and may understate actual use of the band.

Sierra seeks to ensure that the record before the Commission is complete and correct. To do so, Sierra must enlist the assistance of end users. Much of the data that Sierra wishes to submit, however, is in the hands of state, county, and local governmental entities. In some cases, requests for access to and disclosure of this information must go through several layers of governmental authority -- a process that cannot be completed before the present filing date. Adherence to the present schedule will therefore deprive the Commission of information that may directly affect the outcome of this proceeding.

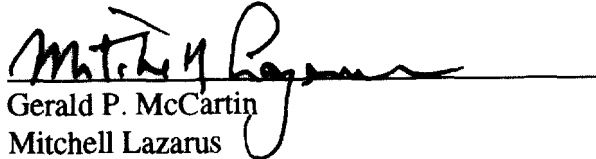
In addition, the Notice "encourage[s] cooperation among the LMDS providers and existing licensees in exploring any methods which would allow the services to coexist."^{3/} Sierra is attempting to respond to this opportunity, and has already conducted preliminary and encouraging discussions with Cellularvision, Texas Instruments, Hewlett-Packard, and Endgate. A resolution worked out among the industries involved would, as a rule, be preferable to one imposed by the Commission, and Sierra requests an extension in part to allow these discussions to move forward.

Sierra appreciates that the LMDS proceeding has now been pending for several years, and that the Commission and the parties alike are eager to see it resolved soon, especially in light of the Telecommunications Act of 1996. Even so, however, the time originally allotted for comments and replies is extremely short. It is important that the proceeding be resolved on the

^{3/} Notice at ¶ 104.

basis of a complete record. The extension requested here will help the Commission to make a better-informed determination, perhaps supported by an understanding among the affected industries, without incurring a significant delay.

Respectfully submitted,



Gerald P. McCartin

Mitchell Lazarus

Sierra Digital Communications, Inc.
4111 Citrus Avenue
Suite #5
Rocklin CA 95677
(916) 624-7313
August 6, 1996

Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5339
(202) 857-6466
Counsel for
Sierra Digital Communications, Inc.